



FREDERICK COUNTY PLANNING COMMISSION
WINCHESTER HALL, FREDERICK, MARYLAND 21701



MEETING SUMMARY

Wednesday June 29, 2011

APPROVED: _____

PAGE 1 OF 2

7:00 P.M.

- | | |
|--|-----------------------|
| 1. <u>AGENCY COMMENTS/AGENDA BRIEFING</u> | INFORMATIONAL |
| 2. <u>APFO SCHOOL MITIGATION</u> | RECOMMENDATION |

- a) [Adequate Public Facilities Ordinance \(APFO\) School Testing Exemption for "Housing for Older Persons"](#) – A public hearing will be held regarding the proposed Ordinance to Amend the Adequate Public Facilities Ordinance (APFO) School Testing Exemption for "Housing for Older Persons" (Kathy Mitchell, Assistant County Attorney and Eric Soter, Director, Community Development Division)

Decision: On a motion from Ms. Forrence, 2nd by Mr. Floyd, the Planning Commission recommended sending forward to the Board of County Commissioners (BoCC) a recommendation to not adopt the proposed Adequate Public Facilities Ordinance Text Amendment for the following reasons:

- The County does not have a mechanism for enforcement of the 55 and older option.
- The same reasons that the FCPC recommended adoption of the June 2008 Ordinance.

The Planning Commission also recommended retaining only the current 62 years of age or older option for the APFO school adequacy exemption.

Yea 4 Nay 2 (Wolfe, Lawrence) Abstain 1 (Shreve) Absent 0

- b) [Adequate Public Facilities Ordinance \(APFO\) School Mitigation Fee Ordinance](#) – A public hearing will be held regarding the proposed Adequate Public Facilities Ordinance (APFO) School Mitigation Fee Ordinance (Kathy Mitchell, Assistant County Attorney and Eric Soter, Director, Community Development Division)

THE COMMISSION GENERALLY BREAKS FOR **LUNCH AT 12:30 P.M.** FOR MORNING/AFTERNOON SESSIONS AND FOR **DINNER AT 5:30 P.M.** FOR AFTERNOON/EVENING SESSIONS. HOWEVER, DEPENDING ON THE REMAINING AGENDA ITEMS SCHEDULED, THEY MAY MAKE A DETERMINATION TO CONTINUE HEARING ITEMS PRIOR TO TAKING A BREAK.

Decision: On a motion from Ms. Forrence, 2nd by Mr. Floyd, the Planning Commission recommended sending forward to the Board of County Commissioners (BoCC) a recommendation to not adopt the proposed Adequate Public Facilities Ordinance Text Amendment for the following reasons:

- The State pays a net capital cost value of 48-50 % but currently owes the County 34 million dollars.
- The funds generated by the school construction fee would likely go toward new seats in schools where development is occurring while allowing older schools to remain without renovation.
- The Impact Fee that is currently used and will be collected for the next several years is dedicated to paying debt service on the bonds and will not be available to apply to new school construction projects; it is likely that it will remain that way for the five year sunset period as outlined in the proposed ordinance.
- Overcrowding in the County public schools could occur since the 120% limit on using the option does not include background enrollment or projected enrollment. This is contrary to the County Comprehensive Plan, which includes language that ensures adequate infrastructure will be provided concurrently with development in order to accommodate long term land use plans and that a system-wide enrollment capacity of 90% be maintained at the elementary, middle and high school levels

Yea 4 Nay 2 (Wolfe, Lawrence) Abstain 1 (Shreve) Absent 0

Decision: On a motion from Ms. Forrence, 2nd by Mr. Lawrence, the Planning Commission also recommended to the BoCC that, should the proposed text amendment move forward, the BoCC consider adding language to the 120% limit on using the option, including background enrollment growth and projected enrollment growth for the entire period for which APFO approval is granted.

Yea 5 Nay 1 (Wolfe) Abstain 1 (Shreve) Absent 0